

Section (c) - Remarks

1. General

Claims 1 through 3 are pending in the present application. The Examiner has rejected Claims 1 through 3 under 35 U.S.C. §103(a) as being unpatentable over **Walker et al.** (U.S. Patent No. 6,085,169).

2. Response on Rejection Under Section 103(a) **Walker et al.**

The Examiner has rejected each of the claims in the present application as being obvious in light of the **Walker et al.** patent. The Examiner views **Walker et al.** as suggesting a method for establishing and initiating a transaction between purchasers and vendors over a wide area computer network according to the steps and elements described in Claim 1. The Examiner further believes that **Walker et al.** suggests a method for establishing and initiating a transaction that includes the automated comparison step according to the steps identified in Claim 2. Finally, the Examiner views **Walker et al.** as suggesting a method for establishing and initiating a transaction that includes the vendor selection steps according to the steps identified in Claim 3.

Applicant has amended the claims in the present case to clarify the existing distinctions between the present invention and the reference cited by the Examiner.

Walker et al. describes the conditional purchase offer management system that is implemented at the priceline.com website. In **Walker et al.** a conditional purchase offer (CPO) is received from one or more customers, such as airline passengers, and evaluated against a number of rules defined by a plurality of sellers, such as airlines, to determine whether seller is willing to **accept** the given CPO. The CPO is a binding offer containing one or more conditions submitted by a customer for purchase of an item, such as airline travel, at a customer defined price. The CPO rule set defines restrictions by a given seller, such as an airline, and further defines a combination of restrictions for which the seller is going to accept the predefined price.

The present invention, in contrast, provides for and claims an RFP system that allows perspective buyer to complete an electronic RFP document (template) and have the document transmitted to one or more appropriate perspective sellers. The system and method provide the prospective buyer with the option of automatically identifying potentially appropriate sellers by means of key word searches and a compiled database of vendor information and product and services descriptions. The system directs the buyer's RFP to selected vendors for review and consideration. It is thereafter up to the vendor to carry out its own review, either manually or automatically, to identify the appropriateness of the match with its range of offered goods and services. A proposal or price quote is then transmitted electronically back through the system to the perspective buyer for consideration.

The conditional purchase offer system described in the **Walker et al.** patent involves a binding offer at the time the CPO is submitted. In contrast, the RFP system described and claimed in the present invention involves no binding offer in the process until the vendor sends a proposal. While a binding contract may eventually result after the utilization of the claimed process, it is not inherent in the claimed invention. Rather, the buyer in this case submits an RFP which in and of itself is not a binding contract nor a binding offer and simply identifies the requirements of the buyer to potential sellers. It is a solicitation for an offer only. The response from the specific sellers may end up being a binding offer to the buyer from the seller but still does not constitute the closure of a deal as is defined and described in the **Walker et al.** patent.

The amendments made to the claims herein highlight the above described distinctions between the present invention and the cited reference. Because of the existence of a binding contract in the procedures described in the **Walker et al.** patent, it would not be obvious to one skilled in the art to utilize the steps and method processes described and claimed therein


according to the manner described and claimed in the present invention. Different results are intended through the use of an RFP versus the use of a CPO.

CONCLUSION

Applicant has amended the claims to clarify the distinction between the present invention and the primary cited reference. Applicant now believes that the claims are in a condition for allowance and respectfully requests the same. Should any further impediments to allowance of the claims remain applicant requests that the Examiner contact the undersigned attorney by phone.

Respectfully submitted,
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